

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

*In Re: American Medical Systems, Inc., Pelvic Repair System  
Products Liability Litigation  
MDL No. 2325*

Civil Action No. 2:13-25337

---

**SHORT FORM COMPLAINT**

Come now the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The First Amended Master Complaint in MDL No. 2325 by reference.

Plaintiff(s) further show the court as follows:

1. Female Plaintiff

Karen Ennis

2. Plaintiff Spouse

David Ennis

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)

\_\_\_\_\_

4. State of Residence

Texas

5. District Court and Division in which venue would be proper absent direct

filing NORTHERN DISTRICT OF CA - Location of the Manufacturer

SOUTHERN DISTRICT OF TX - Domicile of Plaintiff

6. Defendants (Check Defendants against whom Complaint is made):



A. American Medical Systems, Inc. ("AMS")

- ☐ B. Ethicon, Inc.
- ☐ C. Ethicon, LLC
- ☐ D. Johnson & Johnson
- ☐ E. Boston Scientific Corporation
- ☐ F. C. R. Bard, Inc. ("Bard")
- ☐ G. Sofradim Production SAS ("Sofradim")
- ☐ H. Tissue Science Laboratories Limited ("TSL")
- ☐ I. Mentor Worldwide LLC
- ☐ J. Coloplast Corp.

7. Basis of Jurisdiction

- ☒ Diversity of Citizenship
- ☐ Other: \_\_\_\_\_

A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

1 THROUGH 10

\_\_\_\_\_

\_\_\_\_\_

B. Other allegations of jurisdiction and venue

THE DEFENDANT SYSTEMATICALLY AND CONTINUALLY CONDUCTS

BUSINESS IN THE NORTHERN DISTRICT OF CALIFORNIA AS IT HAS A

MANUFACTURING PLANT LOCATED IN SAN JOSE, CALIFORNIA.

\_\_\_\_\_

8. Defendants' products implanted in Plaintiff (Check products implanted in Plaintiff)

- ☐ A. Apogee;
  - ☐ B. Perigee;
  - ☐ C. MiniArc Sling;
  - ☐ D. Monarc Subfascial Hammock;
  - ☒ E. SPARC;
  - ☐ F. In-Fast;
  - ☐ G. BioArc;
  - ☐ H. Elevate;
  - ☐ I. Straight-In;
  - ☐ J. Other
- 
- 

9. Defendants' Products about which Plaintiff is making a claim. (Check applicable products)

- ☐ A. Apogee;
- ☐ B. Perigee;
- ☐ C. MiniArc Sling;
- ☐ D. Monarc Subfascial Hammock;
- ☒ E. SPARC;
- ☐ F. In-Fast;
- ☐ G. BioArc;
- ☐ H. Elevate;
- ☐ I. Straight-In;

☐ J. Other;

\_\_\_\_\_  
\_\_\_\_\_

10. Date of Implantation as to Each Product

June 1, 2007

\_\_\_\_\_  
\_\_\_\_\_

11. Hospital(s) where Plaintiff was implanted (including City and State)

Angleton Danbury Medical Center

Angleton, TX

12. Implanting Surgeon(s)

Ayaz Durrani, MD

\_\_\_\_\_

13. Counts in the Master Complaint brought by Plaintiff(s)

- ☒ Count I - Negligence
- ☒ Count II – Strict Liability – Design Defect
- ☒ Count III – Strict Liability – Manufacturing Defect
- ☒ Count IV – Strict Liability – Failure to Warn
- ☐ Count V - Strict Liability – Defective Product
- ☒ Count VI - Breach of Express Warranty
- ☒ Count VII – Breach of Implied Warranty
- ☒ Count VIII – Fraudulent Concealment
- ☒ Count IX – Constructive Fraud
- ☒ Count X - Discovery Rule, Tolling and Fraudulent Concealment
- ☒ Count XI – Negligent Misrepresentation

- ☒ Count XII – Negligent Infliction of Emotional Distress
- ☒ Count XIII – Violation of Consumer Protection Laws
- ☒ Count XIV – Gross Negligence
- ☒ Count XV - Unjust Enrichment
- ☒ Count XVI - (By the Spouse) – Loss of Consortium
- ☒ Count XVII – Punitive Damages
- ☐ Other \_\_\_\_\_ (please state the facts supporting this Count in the space, immediately below)
- ☐ Other \_\_\_\_\_ (please state the facts supporting this Count in the space, immediately below)

---

---

---

---

---

---

---

---

---

---

Address and bar information:

Motley Rice LLC  
321 South Main Street  
Providence, RI 02903  
Phone (401) 457-7700  
FThompson@motleyrice.com  
DMigliori@motleyrice.com  
FFitzpatrick@motleyrice.com  
JOrent@motleyrice.com

/s/Fidelma Fitzpatrick, Esq.

Attorneys for Plaintiff

Fred Thompson, Esq.

Donald Migliori, Esq.

Jonathan D. Orent, Esq.